

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-01578-TNM**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF  
 HEALTH AND HUMAN SERVICES  
 Assigned to: Judge Trevor N. McFadden  
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/29/2019  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff****AMERICAN OVERSIGHT**

represented by **Christine H. Monahan**  
 AMERICAN OVERSIGHT  
 1030 15th Street, NW  
 Suite B255  
 Washington, DC 20005  
 (202) 788-0606  
 Email: [christine.monahan@americanoversight.org](mailto:christine.monahan@americanoversight.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Katherine Marie Anthony**  
 AMERICAN OVERSIGHT  
 1030 15th Street, NW  
 Suite B255  
 Washington, DC 20005  
 (202) 897-3918  
 Fax: (202) 871-6523  
 Email: [katherine.anthony@americanoversight.org](mailto:katherine.anthony@americanoversight.org)  
**ATTORNEY TO BE NOTICED**

**Sara Kaiser Creighton**  
 AMERICAN OVERSIGHT  
 1030 15th Street, NW  
 Suite B255  
 Washington, DC 20005  
 (202) 869-5246  
 Fax: (202) 871-6523  
 Email: [sara.creighton@americanoversight.org](mailto:sara.creighton@americanoversight.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. DEPARTMENT OF HEALTH  
 AND HUMAN SERVICES**

represented by **Darrell C. Valdez**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2507  
 Email: [darrell.valdez@usdoj.gov](mailto:darrell.valdez@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 05/29/2019 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 400 receipt number 0090-6151949) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons as to USAO, # <u>4</u> Summons as to AG, # <u>5</u> Summons as to HHS)(Creighton, Sara) (Entered: |

|            |          |   |
|------------|----------|---|
|            |          | 05/29/2019)   |
| 05/29/2019 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 05/29/2019)   |
| 06/04/2019 |          | Case Assigned to Judge Trevor N. McFadden. (zef, ) (Entered: 06/04/2019)  |
| 06/04/2019 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 06/04/2019)  |
| 06/04/2019 | <u>4</u> | STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are directed to read and strictly comply with the attached Order. Signed by Judge Trevor N. McFadden on 6/4/2019. (lctnm3) (Entered: 06/04/2019)  |
| 06/12/2019 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/4/2019. ( Answer due for ALL FEDERAL DEFENDANTS by 7/4/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/10/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 6/11/2019 (Attachments: # <u>1</u> Declaration)(Creighton, Sara) (Entered: 06/12/2019)   |
| 07/03/2019 | <u>6</u> | NOTICE of Appearance by Darrell C. Valdez on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Valdez, Darrell) (Entered: 07/03/2019)   |
| 07/03/2019 | <u>7</u> | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 07/03/2019)  |
| 07/08/2019 |          | MINUTE ORDER: Upon consideration of the Defendant's <u>7</u> Consent Motion, it is hereby ORDERED that the Defendant shall file an Answer or responsive pleading on or before August 5, 2019. Further requests for an extension of time shall be disfavored. Signed by Judge Trevor N. McFadden on 7/8/2019, nunc pro tunc to 7/5/2019. (lctnm3) (Entered: 07/08/2019)  |
| 07/08/2019 |          | Set/Reset Deadlines: Answer to the Complaint due by 8/5/2019. (tg) (Entered: 07/08/2019)  |
| 07/12/2019 | <u>8</u> | NOTICE of Appearance by Christine H. Monahan on behalf of AMERICAN OVERSIGHT (Monahan, Christine) (Entered: 07/12/2019)   |
| 08/09/2019 |          | DISCHARGED PURSUANT TO MINUTE ORDER ENTERED ON 8/19/2019.....MINUTE ORDER TO SHOW CAUSE: In its July 8, 2019 Minute Order, the Court granted the Defendant's <u>7</u> Motion for Extension, and ORDERED the Defendant to file an Answer or responsive pleading on or before August 5, 2019. The Court warned the Defendant, "Further requests for an extension shall be disfavored." Despite this warning, the Defendant has missed its deadline to file. Therefore, it is hereby ORDERED that Defendant shall file a brief on or before August 15, 2019 to show cause why sanctions should not be imposed. It is further ORDERED that the parties shall appear before the Court on Thursday, August 22 at 10:00 a.m. in Courtroom 2. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/9/2019. (lctnm3) Modified on 8/20/2019 (hmc). (Entered: 08/09/2019) |
| 08/09/2019 |          | Set/Reset Deadlines/Hearings: Response to Show Cause due by 8/15/2019; Show Cause Hearing scheduled for 8/22/2019, at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (tg) (Entered: 08/09/2019)   |
| 08/14/2019 |          | Set/Reset Hearings: Show Cause Hearing rescheduled for 8/28/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 08/14/2019)  |
| 08/14/2019 | <u>9</u> | RESPONSE TO ORDER TO SHOW CAUSE re MINUTE Order to Show Cause, filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Valdez, Darrell); Modified event and text on 8/19/2019 (tth). (Entered: 08/14/2019)  |

|            |           |   |
|------------|-----------|---|
| 08/14/2019 | <u>10</u> | Consent MOTION for Leave to File <i>Answer</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit Proposed Answer, # <u>2</u> Text of Proposed Order)(Valdez, Darrell) (Entered: 08/14/2019)  |
| 08/15/2019 | <u>11</u> | NOTICE of Appearance by Katherine Marie Anthony on behalf of AMERICAN OVERSIGHT (Anthony, Katherine) (Entered: 08/15/2019)  |
| 08/19/2019 |           | MINUTE ORDER granting the Defendant's <u>10</u> Consent Motion for Leave to File. The Clerk of Court is directed to file [10-1], the Defendant's Answer. The Court's Show Cause Order of August 9, 2019 is hereby discharged and the Show Cause Hearing scheduled for August 28, 2019 is vacated. The Defendant is cautioned to meet all Court-established deadlines going forward. It is further ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before September 9, 2019. Signed by Judge Trevor N. McFadden on 8/19/2019. (lctnm3) (Entered: 08/19/2019) |
| 08/19/2019 | <u>12</u> | ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (tth) (Entered: 08/20/2019)  |
| 08/20/2019 |           | Set/Reset Deadlines: Joint Status Report due by 9/9/2019. (hmc) (Entered: 08/20/2019)   |
| 09/09/2019 | <u>13</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Monahan, Christine) (Entered: 09/09/2019)   |
| 09/10/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report on or before September 30, 2019. The report shall include the status of the Defendant's search efforts and a proposed schedule for further productions, if necessary. Signed by Judge Trevor N. McFadden on 9/10/2019. (lctnm3) (Entered: 09/10/2019)  |
| 09/10/2019 |           | Set/Reset Deadlines: Joint Status Report due by 9/30/2019. (hmc) (Entered: 09/10/2019)  |
| 09/30/2019 | <u>14</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Monahan, Christine) (Entered: 09/30/2019)   |
| 10/01/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report by October 31, 2019. The report shall include a production schedule for all identified records, and a schedule for locating and processing additional responsive records. Signed by Judge Trevor N. McFadden on 10/1/2019. (lctnm3) (Entered: 10/01/2019)  |
| 10/01/2019 |           | Set/Reset Deadlines: Joint Status Report due by 10/31/2019. (hmc) (Entered: 10/01/2019)   |
| 10/31/2019 | <u>15</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Valdez, Darrell) (Entered: 10/31/2019)  |
| 11/01/2019 |           | MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a Joint Status Report every 60 days advising the Court on the progress of the Defendant's productions to Plaintiff. The next Joint Status Report shall be due on or before December 31, 2019. The parties shall continue to file Joint Status Reports every 60 days thereafter until otherwise ordered by the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/1/2019. (lctnm3) (Entered: 11/01/2019)   |